

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>IN RE:</b>	)	<b>Case No. 3:10-bk-01333</b>
<b>DAINON TARQUINIUS SIDNEY</b>	)	<b>Chapter 13</b>
	)	<b>Judge Harrison</b>
	)	
<b>Debtors.</b>	)	<b>Objections Due: July 1, 2010</b>
	)	<b><u>Hearing Set: July 19, 2010, 8:30 A.M.</u></b>
	)	<b>Customs House, Courtroom 1</b>
	)	<b>701 Broadway, 2<sup>nd</sup> Floor</b>
	)	<b>Nashville, Tennessee 37203</b>

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**RESPONSE OF SUNTRUST BANK TO TRUSTEE'S  
MOTION TO DISALLOW CLAIM # 7**

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SunTrust Bank (hereinafter "Respondent"), a secured creditor in this case, hereby responds and objects to the Motion filed by the Trustee to disallow Claim # 7 (the "Motion") [Docket No. 49]. In support of this Response, Respondent would show the Court:

1. Respondent is a secured creditor of Debtor in the amount of \$152,326.66 [Claim No. 7, filed on April 1, 2010, which was amended on June 24, 2010] which is secured by a valid and properly perfected security interest in certain property of the Debtor, more particularly described as a 605 Lakemeade Point, Old Hickory, Tennessee (the "Property")

3. As stated above, Respondent amended its claim on June 24, 2010, to provide additional information to evidence the merger with National Bank of Commerce. Those documents are exhibits to the Claim.

4. The currently monthly payment is stated in the Home Equity Line of Credit Agreement (attached as an exhibit to the initial Claim filing) is \$549.79 (due for July 1, 2010), however, the account is a Home Equity Line of Credit with variable payments. The Debtor's proposed \$717.00 is an adequate payment to pay on this long term debt.

{00505827.1}

5. The arrearage in payments is stated in the attached **Exhibit 1**, which shows the arrearage as of February 10, 2010. That amount, plus other late fees and service charges, is \$2,466.41.

Exhibit 1 also provides an itemization of the post-petition arrearages. Post-petition, Debtor has incurred due dates for March 2010 through June 2010, for a total post-petition amount owed of \$2,196.03.

As a result, Respondent is owed a total arrearage of \$4,662.44, through the end of June 2010.

6. As a result of the above, Respondent would show that all issues with the Claim are addressed and the Motion should be resolved on those terms and/or an Amended Claim.

**WHEREFORE**, based on the foregoing, Respondent responds and objects to the Trustee's Motion and respectfully requests that the Court enter an Order that resolves the Motion on the herein terms.

Respectfully submitted,

/s/ David M. Anthony  
David M. Anthony (BPR # 19951)  
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Attorneys for SunTrust Bank

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing has been served electronically (or by mail) to the following persons:

Edgar M. Rothschild, III  
Mary Elizabeth Ausbrooks  
Rothschild & Ausbrooks  
1222 16<sup>th</sup> Avenue South, Suite 12  
Nashville, TN 37212-2926

Henry Edward Hildebrand, III  
Office of the Chapter 13 Trustee  
P.O. Box 190664  
Nashville, TN 37219-0664

U.S. Trustee  
701 Broadway  
Suite 318  
Nashville, Tennessee 37203

this 30<sup>th</sup> day of June, 2010.

/s/ David M. Anthony  
David Anthony

**PRE PETITION PMTS DUE (INCLUDE FEES FOR  
THESE MONTHS)**

SCHEDULED DATE	SCHEDULED PMT
12/01/2009	549.79
01/01/2010	717.31
02/01/2010	567.25
TOTAL	1834.35

**POST PETITION PMTS DUE (INCLUDE FEES  
FOR THESE MONTHS)**

SCHEDULED DATE	SCHEDULED PMT
03/01/2010	511.95
04/01/2010	568.11
05/01/2010	547.85
06/01/2010	568.12
07/01/2010	549.79
TOTAL	2745.82

TOTAL PRETETION DELINQ AMT	<b>2466.41</b>
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TOTAL POST PETITION DELINQ AMT	<b>2745.82</b>
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